

## **REMARKS**

### ***Formal Matters***

Claims 1-6 are pending in the instant application. Claims 1, 4, and 6 have been amended. Support for the amendments can be found for example, but not limited by, in paragraph 29, as well as paragraphs 4, 6, 27, 43 and FIGS. 3A-3C. No new matter has been added.

In view of the following remarks, Applicants respectfully request reconsideration of Claims 1-6, the only claims under examination in the instant application.

### ***Claim Rejections- 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a)***

As set forth in the Office Action dated May 15, 2008, the Examiner rejected various claims of the instant application in the set of Claims 1-6 under 35 U.S.C. § 102(e), and 103(a) for alleged anticipation and obviousness using cited references, which include Fisher-Fruhholz, et al. (US 2004/0240137; hereafter Fisher-Fruhholz) and Dickinson et al. (US 6, 770, 441; hereafter Dickinson).

The Applicants respectfully submit that currently presented Claims 1-6 of the instant application make the rejections under the cited art moot.

For example, Fisher-Fruhholz teaches the use of micromachining techniques, including laser ablation, to create a microarray having discrete zones formed by the ablation patterning. Dickinson teaches sensor compositions, in which arrays are housed in a separate hybridization chamber. Dickinson teaches that materials for the hybridization chamber can be selected from "...plastic, glass or metal or material outlined herein for substrates..." (col. 26, lines 27-29). In that regard, Dickinson teaches that materials used to fabricate the hybridization chamber are rigid materials (col. 7, lines 29-30; col. 10, lines 21-25). Dickinson teaches that molding is a preferred method of fabricating parts from such rigid materials (col. 10, lines 26-35; col. 26, line 47). In summary, Dickinson teaches a hybridization chamber that is a separate device from the array devices taught by Dickinson. Further, the hybridization chamber is made of a non-porous material, and fabricated with conventional direct contact machining techniques, such as molding.

Accordingly, neither Fisher-Fruhholz nor Dickinson, either separately or in combination, teach a hybridization chamber made from the same platform as an array, wherein a moat defining a hybridization chamber is created using non-contact means.

In contrast, embodiments of the various methods of the instant application use non-contact means to collapse a moat in a porous layer, wherein the moat defines a boundary for a hybridization chamber. In various embodiments of the methods of the instant application, a gasket is positioned in

the moat, forming a seal for the hybridization chamber with the porous substrate. Various embodiments of a hybridization chamber so formed provide a chamber in which an array can be positioned.

Accordingly, the Applicants respectfully request reconsideration of currently presented Claims 1-6 of the instant application.

#### **CONCLUSION**

The Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this case, the Examiner is invited to contact me at the telephone number listed below.

#### **Fee Authorization**

Should any extension of time and/or fee be necessary for the timely submission of this paper, such extension of time is hereby requested, and the Commissioner is hereby authorized to charge **Deposit Account No. 01-2213 (order no. 5195)**. Any deficiency or overpayment should be charged or credited to this deposit account.

Respectfully submitted,

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